

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)	CASE NO. 3:20-cr-00042-ART-CLB
)	
Plaintiff,)	
)	MINUTES OF PROCEEDINGS
vs.)	
)	
JENNIFER MICHELLE ELWARD,)	DATE: Monday, October 31, 2022
)	
Defendant.)	

PRESENT: ANNE R. TRAUM, UNITED STATES DISTRICT JUDGE

Deputy Clerk: Katie Lynn Sutherland Reporter: Donna Prather

Counsel for Plaintiff: Megan Rachow and Richard Casper

Counsel for Defendant: Aden Kebede and Jawara Griffin

PROCEEDINGS: PRETRIAL CONFERENCE

2:18 p.m. Court convenes. Reno Courtroom 6.

The defendant is present on bond.

The Court holds today's pretrial conference to address the Government's Motion to Reconsider Order [ECF 57]. ECF No. 60.

The Court reviews the procedural history of the case related to the government's original notice of expert testimony by ATF Special Agent Joshua Caron.

The Court addresses the parties with respect to its understanding of the motion to reconsider. The Court advises that if the government seeks to have Special Agent Caron testify under Federal Rule of Evidence 702 it will conduct a *Daubert* hearing.

The Court holds a *Daubert* Hearing to address the government's notice of expert testimony (ECF No. 28), and supplements to the notice (ECF Nos. 31 and 37).

Joshua Caron, called on behalf of the Plaintiff, is sworn and testifies under direct examination by Ms. Rachow and cross examination by Ms. Kebede. The Court examines the witness. The witness is excused.

3:07 p.m. Court is in recess.

3:28 p.m. Court reconvenes.

Mr. Casper presents closing statements on behalf of the government.

Ms. Kebede presents closing statements on behalf of the defendant.

The Court finds that Special Agent Caron is not qualified to testify as an expert. Even if Special Agent Caron was qualified as an expert the Court would find, particularly given his dual role as case agent, that any expert testimony is inadmissible under Federal Rule of Evidence 403. The Court denies the government's motion to reconsider (ECF No. 60) except to the limited extent that the parties may both use the term "straw purchaser."

It is ordered that Special Agent Caron may testify as a lay witness in his capacity as the case agent assigned in this investigation, but is precluded from testifying in the capacity of an expert witness based on Federal Rules of Criminal Procedure 702.

The Court reviews with counsel the areas of testimony that will be permitted during trial relative to Special Agent Caron.

There being no additional matters to address at this time, court adjourns at 3:56 p.m.

DEBRA K. KEMPI, CLERK OF COURT

By: /s/
Katie Lynn Sutherland, Deputy Clerk